

Submission on the *Child Safe Organisations Bill 2020*

Introduction

Engender Equality provides specialist counselling, psychoeducation and support for individuals and groups affected by family violence throughout Tasmania. Engender also delivers advocacy and training to address gender inequality and reduce violence against women and children.

The safety and wellbeing of children is at the heart of our work as a specialist family violence service. Our practice is child-centred and we seek to elevate the interests of children in all that we do.

Engender Equality strongly endorses the development of a legislative framework to uphold children's safety in response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission).

We welcome this opportunity to respond to the *Child Safe Organisations Bill 2020* (the draft Bill).

Response to the draft Bill

i. *Transparency and Oversight*

The draft Bill provides that administration of the Bill is assigned to the Minister for Justice and that the department responsible to the Minister in relation to the administration of the Act is the Department of Justice (the Department).

The draft Bill also provides that both Government and non-Government Agencies report annually to Government (the Department and the relevant Government funding body, respectively) in relation to the principles and standards prescribed by the Bill.

Engender Equality suggests assigning responsibility for administration and enforcement of the Bill to Government bodies contradicts Recommendation 6.10 of the *Final Report Recommendations* of the Royal Commission into Institutional Responses to Child Sexual Abuse, which states that:

"State and territory governments should ensure that:

- a. an independent oversight body in each state and territory is responsible for monitoring and enforcing the Child Safe Standards. Where appropriate, this should be an existing body."*

Given the Royal Commission's exposure of past failures of accountability of Government agencies and institutions in relation to the perpetration of abuses against children, we believe independent oversight is imperative to ensure the *Child Safe Organisations Bill 2020* operates as the rigorous mechanism for accountability that it is intended to be.

Recommendation 1. Engender Equality recommends that responsibility for monitoring and enforcement of the Bill be transferred to an independent oversight body that is duly resourced to carry out the role.

ii. *Interpretation*

Engender Equality suggests that further detail with regard to the interpretation of the Act be included within the draft Bill in relation to the term “equity and diverse needs.” Without the provision of guidance around the meaning and scope of this term we believe it may be interpreted and applied inconsistently by individual organisations according to their interests and values.

Recommendation 2. Engender Equality recommends a definition for the term “equity and diverse needs” be developed that includes the life domains or dimensions to which it should apply. For example: *physical and emotional safety, family and relationships, community participation, engagement in learning, gender and self-identity, culture and belonging.*

iii. *Intersectionality*

Further clarifying the term “equity and diverse needs” within the draft Bill is also an opportunity to recognise that all children are not born equal with regard to safety and wellbeing. In Australia thousands of children are excluded from safety through poverty and disadvantage while others are marginalised by experiences of racism, ableism and homophobia.

Traditional hierarchies of power – often reinforced by schools, healthcare and criminal-justice settings, for example – may further obscure inequality, diminish perpetrator accountability and increase the susceptibility of some children to be targeted by people who use abuse and violence.

Recommendation 3. Engender Equality recommends the Bill use language that acknowledges intersectional disadvantage and the way in which traditional hierarchies of power may obscure abuse and diminish perpetrator accountability.

iv. *Code of Conduct*

The draft Bill stipulates that organisations should develop a code of conduct that is consistent with the principles and standards to provide to all employees. Engender Equality suggests consideration be given to the development of a universal code of conduct to accompany the Act, for implementation within all organisations required to comply.

Recommendation 4. Engender Equality recommends the development of a standardised code of conduct to ensure consistency of application of child safe principles and standards across Tasmanian organisations and sectors and minimise the opportunity for misinterpretation of the legislation and its intent.

v. *Resourcing*

Engender Equality suggests consideration be given to the resourcing required to implement, monitor and report on the principles and standards introduced by the draft Bill, for all organisations but especially smaller services (for example, the cost of applying annually for employee registration to work with vulnerable people).

Recommendation 5. Engender Equality recommends the mechanisms for monitoring and compliance in relation to the Bill be made simple and that wherever possible reporting be combined with existing reporting processes and timelines to reduce the administrative burden.

Summary of Recommendations

Recommendation 1	Engender Equality recommends that responsibility for monitoring and enforcement of the Bill be transferred to an independent oversight body that is duly resourced to carry out the role.
Recommendation 2	Engender Equality recommends a definition for the term “equity and diverse needs” be developed that includes the life domains or dimensions to which it should apply. For example: <i>physical and emotional safety, family and relationships, community participation, engagement in learning, gender and self-identity, culture and belonging.</i>
Recommendation 3	Engender Equality recommends the Bill use language that acknowledges intersectional disadvantage and the way in which traditional hierarchies of power may obscure abuse and diminish perpetrator accountability.
Recommendation 4	Engender Equality recommends the development of a standardised code of conduct to ensure consistency of application of child safe principles and standards across Tasmanian organisations and sectors and minimise the opportunity for misinterpretation of the legislation and its intent.
Recommendation 5	Engender Equality recommends the mechanisms for monitoring and compliance in relation to the Bill be made simple and that wherever possible reporting be combined with existing reporting processes and timelines to reduce the administrative burden.

For further information in relation to this Submission please contact:

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